

**Kansas Department of Health and Environment
Board of Adult Care Home Administrators
Meeting of March 12, 2010**

The Board of Adult Care Home Administrators met Friday, March 12, 2010 at 1:00 p.m. in Classroom F of the Kansas National Education Association Building, 715 SW 10th, Topeka, Kansas.

Members Present

Amy Hoch Altwegg
Dawn Veh
Beth Bradrick
Wanda Bonnel
William Boldridge
Belva J. Taylor
Dr. Kevin Bryant

Staff Present

Steve Irwin
Marla Rhoden
Brenda Nesbitt Kroll

Others Present

Joseph Kroll, KDHE
Phyllis Kelly, KACE
Casey A. Zans
Pam Sheets, KACE
Mitzi McFatrach, KABC
John Cobbins, AIT
Myllinda Wichite, AIT
Maggie Rader, KACE
Debi Nelson, KDHE
Sherry Wahl, Administrator
Marje Cochren, Administrator

1. Call Meeting to Order

Chair Veh called the meeting of the Board of Adult Care Home Administrators (BACHA) to order at 1:07p.m.

2. Introductions/New Member

Chair Veh introduced and welcomed, Belva Jean Taylor, new consumer member.

3. Minutes of Meeting 12/11/2010

Chair Veh called for comments/corrections to the minutes of the December 11, 2009 meeting of the Board of Adult Care Home Administrators.

ACTION: Amy Hoch Altwegg moved the minutes of the 12/11/2009 meeting of BACHA be approved as presented. The motion was seconded by Wanda Bonnel and carried.

4. Orientation for Professional and Occupational Licensing Board Members

Marla Rhoden noted that the document provided by Camille Nohe had been updated with some minimal changes. Ms. Nohe can answer questions at the next Board meeting. Ms. Rhoden also advised that there is a Orientation for Boards presentation scheduled at the Kansas Attorney General's office on April 23, 2010 at 8:00am for anyone who may be interested.

5. Report from CIC

Ms. Hoch Altwegg reported that one case is pending awaiting a response from the respondent, one case is pending awaiting resolution from another entity, one case was dismissed and two cases are pending awaiting additional information from the complainant.

6. **Reports**

A. NAB Test Results

Brenda Nesbitt Kroll provided copies and an overview of the NAB test results report for the fourth quarter of 2009. A total of 13 candidates tested with 8 passing for a pass rate of 61.54%. Ms. Nesbitt Kroll noted that the passing percentage increased and that six of the eight candidates who passed the test did so on their first attempt.

B. Temporary License Report

Ms. Nesbitt Kroll provided copies and an overview of the Temporary License Report for FY 2010. Of the six active temporary licenses, all are in various stages of completing their AIT experience and/or preparing for the NAB test.

7. **Application to Reinstate License Following Disciplinary Action**

Ms. Nesbitt Kroll summarized the details of a candidate who had their license suspended and has now requested reinstatement of the license. It was noted that the Consent Agreement and Order (CAO) also stipulated that the applicant may be required to *complete any additional terms deemed appropriate by the Board including but not limited to completion of CE requirements, restitution and related criminal sentence or diversion program and that the respondent's license shall not be reinstated until further Order of the Board*. The candidate applied for renewal in June, 2006 and was advised that they could not renew as the license was currently under suspension. In July 2007 the candidate inquired via email expressing their desire to begin the process of reinstatement and indicating they met the conditions of the consent agreement and completed one year of suspension. The candidate was advised in July 2007 that they had additional CE required and that to comply with the CAO, the reinstatement materials would be provided to the BACHA for their consideration at the 9/7/07 Board meeting. A reinstatement application packet was sent to candidate on 07/12/2007.

Reinstatement materials were received 08/21/07 and were presented at the 09/07/2007 Board meeting. The Board determined that the licensee fulfilled the requirements of the CAO executed on 05/21/06 which suspended the license for a period of one year. However, as outlined in the consent agreement, the Board had the option to set forth conditions for reinstatement of the license and the Board voted to do so. The Board motion also stipulated that the license would be issued through 06/30/09 and be renewed upon evidence of completion of items 1, 2, and 3 (listed below). **A letter was sent to the candidate which advised that the application for reinstatement was approved with the following conditions:**

Precondition for reinstatement: License will be reinstated once applicant has furnished proof of restitution of \$420 to the owners of the facility who made restitution to the residents.

The letter also advised that once the license is reinstated, there are three conditions to be imposed during the licensure period through June 30, 2009:

- 1) Licensee name shall not be included on the account or bank signature card for any Residents Trust fund;
- 2) a second signature (co-signer) shall be required for all facility checks; and
- 3) licensee shall complete two hours of CE on the topic of ethics within 180 days of license reinstatement.

No additional contact was received from the applicant.

On 06/21/2009 another email from candidate was received asking to clarify requirements for reinstatement concerning the restitution of \$420 to the owner of the facility. On 08/05/2009 response email was sent to licensee explaining the requirements in detail. The response explained that if the precondition of proof of restitution of the \$420 had been received the license would have been reinstated effective 2007 through 6/30/2009. However, because the precondition was not met the license was not reinstated. Licensee was advised that a new application for reinstatement, fee of \$220 and evidence of 50 hrs of CE completed during the licensure period immediately preceding reinstatement of the license would be required in addition to the precondition of proof of restitution.

On 12/31/2009 a reinstatement application, \$220 fee and CE records were received from applicant. In addition a copy of a check in the amount of \$420 made payable to facility owner was included indicating it was proof of restitution.

In January, 2009 facility owner contacted KDHE informing staff that the check received was returned for "Not Sufficient Funds." A copy of the returned check was faxed for inclusion in the reinstatement application file. On January 26, 2009 staff notified candidate that while the reinstatement materials had been received, the notice was of "Not Sufficient Funds." Because the terms of the Consent Order and Agreement have not been met the licensee's request for reinstatement will be included in the agenda for the 3/12/10 Board meeting. On 01/26/10 staff received email response from licensee which explained that she had been on maternity leave at the time and had some different pay periods and amounts and would issue a new check to the facility owner. On 2/12/10 staff received a copy of letter from the licensee to the owner with a copy of a cashier's check in the amount of \$455 to cover check and return check fee. The letter apologized for the inconvenience and stated that the licensee and her husband got their wires crossed and assured the owner that it was not malicious or planned but, rather, an oversight on the part of the candidate.

ACTION: Dr. Bryant moved the license be reinstated with the same three conditions listed in the Consent Agreement and Order through June 30, 2011. Those three conditions are:
1) Licensee name shall not be included on the account or bank signature card for any Residents Trust fund; 2) a second signature (co-signer) shall be required for all facility checks; and 3) licensee shall complete two hours of CE on the topic of ethics within 180 days of license reinstatement. Ms. Hoch Altwegg seconded the motion which carried.

8. NAB Test Applicant - Candidate who failed test seven times

Ms. Nesbitt Kroll summarized a request received from a licensure candidate who has failed the NAB test seven times and is asking for Board approval to take the test again. A copy of the letter to the Board from the candidate as well as a copy of a summary of all the scores was provided for Board consideration.

ACTION: Wanda Bonnel moved the candidate be allowed to test again. The motion was seconded by William Boldridge and carried.

9. Letters of Exemplary Performance and Zero Deficiency Letters

Ms. Rhoden read excerpts from four zero deficiency letters awarded to: Treva Benoit, Cedarview Assisted Living, Hutchinson, KS; Kimberle Doty, Evergreen Community of Johnson County, Olathe, KS; Francis Paxton, Salina Presbyterian manor, Salina, KS and William Boldridge, Valley Health Care Center, Valley Falls, KS.

10. Other Business

◆Ms. Nesbitt Kroll reported that the process for seeking nominations to serve on the Board has begun. Terms for the following members expires June 30, 2010: Amy Hoch Altwegg, William Boldridge, Wanda Bonnel and Dr. Beth Bradrick. Letters have been sent to those members requesting their response regarding whether they desire to be considered for reappointment by the Governor. Once all responses have been received the Governor's office will be notified of those interested and will continue the process of seeking nominations and ultimately appointing members.

11. Public Comment

◆Phyllis Kelly, KACE introduced a group of AITs that were in attendance at the Board meeting as part of experiencing their "Day in Topeka." This was the third scheduled "Day in Topeka" which allows AITs to meet those important to their role as administrator and to experience the CIC and BACHA meetings.

Adjourn

The meeting adjourned at 1:42 p.m.

The next meeting is scheduled for Friday, June 11, 2010 at 1:00 p.m.